IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

OP.No. 15860 of 2000(K)

PETITIONER:

DR.SUMA UNNIKRISHNAN, EYE SPECIALIST,
'JASMINE', NARAYANA NAGARAM, VADAKARA P.O.

BY ADV. SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENTS:

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1. KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION REPRESENTED BY SECRETARY, EXTRA POLICE STATION ROAD, THIRUVANANTHAPURAM

*(2. K.IBRAHIM, KALIMANTAVIDA HOUSE, VADAKARA AMSOM, MOKACHERI BHAGAM, VADAKARA-3..

3. THE SECRETARY, THE VADAKARA CO.OP. HOSPITAL, (NO.D.2411) VADAKARA-1.

4. THE CONSUMER DISPUTES REDRESSAL FORUM REPRESENTED BY ITS PRESIDENT, KOZHIKODE

*R2 DIED. LEGAL HEIRS ADDL.R5 TO R12 IMPLEADED:

5. K.KHADEEJA, 52 YEARS, W/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

6. KUNHEEBI, 38 YEARS, D/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

7. MAIMU, 34 YEARS, D/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

8. ZUBAIDA, 32 YEARS, D/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

9. RAIFA, 30 YEARS, D/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

10. BASHEER, 28 YEARS, S/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

11. SHAMEER, 24 YEARS, D/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

12. AYISHA, 17 YEARS (MINOR DAUGHTER OF IBRAHIM), REPRESENTED BY HER GUARDIAN-MOTHER KHADEEJA, AGED 52 YEARS,. W/O.IBRAHIM, KALIMANTAVITA HOUSE, VATAKARA AMSOM, MOKACHERI BHAGAM, VATAKARA 673 103

ADDL.R5 TO R12 ARE IMPLEADED AS PER ORDER DATED 27-2-2002 ON C.M.P. 50657/2001.

BY ADV. SRI.C.P.MOHAMMED NIAS
SRI.P.R.RAMACHANDRA MENON
SRI.C.P.MOHAMMED NIAS

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/12/2007, ALONG WITH OP NO. 21402 OF 2000 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.25923 & 51279/2000 IN O.P.NO.15860/2000

DISMISSED.

14-12-2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE VERSION OF THE EXPERT DOCTOR.

EXT.P2. TRUE COPY OF THE ORDER BY THE DIST. FORUM, KOZHIKODE IN O.P.211/95 DATED 3-3-1998.

EXT.P3. TRUE COPY OF THE ORDER PASSED BY THE STATE COMMISSION IN APPEAL 708/98 DATED 25/1/2000

EXT.P4. TRUE COPY OF THE NOTICE IN E.P.34/2000 DATED 3-4-2000.

/ TRUE COPY /

P.S.TO JUDGE.

KURIAN JOSEPH J.

O.P.Nos.15860 & 21402 of 2000

Dated this the 14th day of December, 2007

JUDGMENT

Pursuant to the direction issued by this court the parties are present. After having talked to the parties the court is happy to note that they have agreed to settle the cases amicably. As far as the petitioners are concerned, it is submitted that there is absolutely no negligence on their part and hence they are not liable to pay any compensation. Sri.Ibrahim, the patient, is no more. Sri.Mohammed Nias, learned counsel appearing for the additional respondents, who are the legal heirs of Sri.Ibrahim submits that atleast the actual expenses which they incurred for the treatment may be reimbursed. Having regard to the entire factual background of the case the request appears to be reasonable. A suggestion for reimbursement of such expenses to the tune of Rs.27,500/- is acceptable to the parties, submits Sri.Nias and also one of the legal representatives Sri.Shameer who are present before this court. Learned counsel also submits that the cheque may be issued in the name of Sri.Shameer.

Accordingly the Secretary of the Vadakara Co-operative Hospital, who is present in court, has handed over a cheque drawn in the name of Sri.Shameer for an amount of Rs.27,500/-. The cheque bearing No.703106 is dated 14-12-2007 and the same is drawn on the Kozhikode District Co-operative Bank, Vadakara Branch.

2. It is made clear that the contents of these original petitions or any news pertaining to these cases shall be published in any print or any electronic media. It is also made clear that the amount as above is paid not by way of compensation but towards reimbursement of expenses incurred by the legal representatives of Sri.Ibrahim, in view of their financial difficulty.

The writ petitions are accordingly closed.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH,J.

O.P.Nos.15860 & 21402
of 2000

JUDGMENT

14th December, 2007